

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Allow Limited Information Sharing in Domestic Violence Cases

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 16 MRSA §614, sub-§3, ¶C, as amended by PL 2003, c. 402, §1, is further amended to read:

C. An accused person or that person's agent or attorney if authorized by:

- (1) The district attorney for the district in which that accused person is to be tried;
- (2) A rule or ruling of a court of this State or of the United States; or
- (3) The Attorney General; or

Sec. 2. 16 MRSA §614, sub-§3, ¶D, as enacted by PL 2003, c. 402, §2, is amended to read:

D. A victim or victim's agent or attorney, subject to reasonable limitations to protect the interest described in subsection 1; or

Sec. 3. 16 MRSA §614, sub-§3, ¶E is enacted to read:

E. An advocate, as defined in section 53-B, subsection 1, paragraph A, with a specific agreement with a criminal justice agency and subject to reasonable limitations to protect the interests described in subsection 1. An agreement between an advocate and a criminal justice agency must, at a minimum, include provisions that:

- (1) Permit the advocate to use reports or records that contain intelligence and investigative information for the purpose of planning for the safety of the victim named in the reports;
- (2) Prohibit the advocate from further disseminating reports or records that contain intelligence and investigative information;
- (3) Require the advocate to ensure that reports or records that contain intelligence and investigative information remain secure and confidential;
- (4) Require the advocate to destroy reports or records that contain intelligence and investigative information within 30 days after receiving the report or record;

(5) Permit the criminal justice agency to perform reasonable and appropriate audits in order to ensure that records containing intelligence and investigative information that are obtained by and that are in the custody of the advocate are maintained in accordance with the requirements of this paragraph;

(6) Require the advocate to indemnify and hold harmless the criminal justice agency with respect to any litigation that may result from the provision of reports or records that contain intelligence and investigative information;

(7) Permit the criminal justice agency to immediately and unilaterally revoke an agreement made pursuant to this paragraph; and

(8) Provide sanctions for any violations of this paragraph.

The Commissioner of Public Safety may adopt a model policy to standardize the provisions contemplated in this paragraph.

Sec. 4. 16 MRSA §614, sub-§4 is enacted to read:

4. Unlawful dissemination of reports or records that contain intelligence and investigative information. A person that intentionally disseminates a report or record that contains intelligence and investigative information in violation of this section commits a Class E crime.

Effective September 12, 2009